



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,720	10/20/2000	Shunichi Sekiguchi	1163-299P	5613

7590 06/24/2005
Birch Stewart Kolasch & Birch LLP
P O Box 747
Falls Church, VA 22040-0747

EXAMINER

DIEP, NHON THANH

ART UNIT PAPER NUMBER

2613

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,720

Applicant(s)

SEKIGUCHI ET AL.

Examiner

Nhon T. Diep

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) 1,4 and 6-23 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2,3 and 5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 2, 3 and 5 in the reply filed on 4/25/2005 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumura et al (US 5,835,144).

Matsumura et al discloses methods of coding and decoding moving-picture signals, using self-resynchronizing variable-length codes comprising the same video decoding method which receives a coded video stream, together with an error detection result indicating whether an error is contained in a coded stream in each packet, and decodes said coded video stream (col. 8, ln. 55-56), wherein: said coded video stream is composed of plural pieces of compressed block coded data, said plural pieces of compressed block coded data are composed of plural kinds of data elements, said data elements of the same kind are arranged in succession over plural blocks, and said coded video stream is divided, at the point of change in the kind of said data elements

Art Unit: 2613

arranged in succession (fig. 4, col. 4, ln. 19 – col. 5, ln. 44), into said each packet, said each packet being added, for each of said divided video coded streams, with an error detecting code for obtaining said error detection result; and upon detecting a decoding error at the time of receiving and decoding said coded video stream for said each packet, the position of said decoding error in said coded video stream is decided based on an error detection result received and error concealment is selectively performed based on said decided position of said decoding error (col. 9, ln. 45-49) as specified in claim 2; and upon detecting a decoding error during decoding of said coded video stream received for each packet, the position of resynchronization is decided based on said unique code and said error detection result received together with coded data of said header information and resynchronization is performed from the bit position of error detection to a unique code indicating the beginning of the next block coded data (col. 8, ln. 40-col. 9, ln. 50) as specified in claim 5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al (US 5,835,144).

As applied to claim 2 above, it is noted that Matsumura does not particularly disclose based on said error detection result received together with each data stream

Art Unit: 2613

and the position of said decoding error detected in the decoding of said each data stream, it is decided whether to perform error concealment using decoded motion vectors or abandon said motion vectors and said texture data and perform error concealment as specified in claim 3. However, Matsumura et al further discloses inter frame prediction and motion compensation, this disclosure implies that when one cannot recover the motion vector, one cannot reconstruct the current frame based on the previous and/or future frames and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Masumura by either using decoded motion vectors when the motion vector is not severely corrupted or abandon said motion vectors and said texture (macroblock information) data when the motion vector is severely corrupted in performing error concealment. Doing so would help to prevent error propagating into the next frames.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Okubo et al (US 6,807,366) discloses a data recording apparatus.
- b. Sasaki et al (US 6,643,729) discloses a data processing apparatus and data recording apparatus.
- c. Sugiyama (US 6,741,793) discloses a data transmitting apparatus and method thereof.
- d. Suzuki et al (US 6,654,544) discloses a video data recording/reproducing methods apparatus.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND
6/21/2005


NHON DIEP
PRIMARY EXAMINER